THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.8150 OF 2007

Dated 23rd April 2007

Between:

Mahyco Seeds Ltd., Himayatnagar, Hyderabad

…Petitioner

and

The Govt.of A.P.,rep.by the Secretary,
Agriculture Department, Secretariat,
Hyderabad & others.

…Respondents

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O R D E R:

The petitioner is a limited company, undertaking the activity of manufacturing and supplying of seeds of different categories. Apart from multiplying the existing varieties of seeds, it also conducts research for bringing about new varieties. The petitioner obtained licence, which is valid up to 5.6.2009, under the Seeds (Control) Order 1983, issued under the Essential Commodities Act, from the Licensing Authority, the 3rd respondent herein.

The licence contains details of seeds to be handled by the licencee. Seeds of different varieties of various crops are mentioned in the licence, issued to the petitioner. In the recent past, the petitioner developed two varieties of Bt.Cotton seeds, viz.,
MRC-7351 BG-II (Kanak) and MRC-7201 BG-II (Neeraja). Since the

seeds are genetically varied, the petitioner obtained necessary clearance from the Ministry of Environment and Forest, through their proceedings dated 25.5.2006, for the said varieties. Thereafter, it submitted an application to the 3rd respondent, on 2.6.2006, for inclusion of these two varieties, in the licence. It is represented that in the licences issued to it, by 6 other States, the said two varieties were entered in the month of June 2006 itself, and that the seeds are being supplied, ever since then. The grievance of the petitioner is that the 3rd respondent has not disposed of the application of the petitioner, as yet. It is alleged that on account of the inaction of the 3rd respondent, the petitioner is prevented and precluded, from supplying the newly developed varieties, to the farmers in the State of A.P. It seeks direction to the 3rd respondent, to take necessary steps, in this regard.

Heard the learned counsel for the petitioner and learned Government Pleader for Agriculture.

The 3rd respondent is conferred with the power not only to issue fresh licence to the applicants, but also to enter new varieties in the existing licences. Inasmuch as the petitioner developed the Bt cotton seeds, with genetic variations, the impact thereof on the environment, was examined by the concerned agency of the Central Government, *viz*, Genetic Engineering Approval Committee. On an examination of the seeds, necessary approval was accorded, way back on 25.5.2006. It is thereafter that the petitioner made application to the 3rd respondent, for inclusion of the two varieties in its licence.

Unless the varieties are included in its licence, the petitioner cannot market the seeds in the State of Andhra Pradesh. With each passing agricultural year, the loss to be sustained by the petitioner

would be phenomenal, on account of denial of permission. In case the 3rd respondent is of the view that the request of the petitioner cannot be acceded to, for any reasons, he is under obligation to indicate the same to the petitioner, so that necessary corrective steps are to be taken, or the remedies available under law, are availed. There cannot be any justification for keeping the matter pending, almost for one year.

Hence, the writ petition is disposed of, directing the 3rd respondent to pass appropriate orders, in accordance with law, on the application of the petitioner dated 2.6.2006, within a period of ten days, from the date of receipt of a copy of this order. There shall be no order as to costs.

23rd April 2007

Note: Issue C.C. by tomorrow.

(B/o)
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